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CLERK
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

MELYNDA VINCENT,

Plaintiff,

v.

JEFFREY A. ROSEN, in his official
capacity as Attorney General of the United
States, and SEAN REYES, in his official
capacity as Attorney General of the State of
Utah

Defendants.

SCHEDULING ORDER

Case No. 2:20-cv-00883 - DBP

Magistrate Judge Dustin B. Pead

Pursuant to Fed. R. Civ. P. 16(b), the following matters are scheduled. The deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

1. PRELIMINARY MATTERS

- a. Nature of claims and any affirmative defenses:

Plaintiff alleges that 18 U.S.C. § 922(g)(1) and Utah Code § 76-10-503(3)(a) are unconstitutional, under the Second Amendment, as applied to her. Defendants deny the allegations. The parties agree and stipulate that discovery is not necessary to resolve these issues. The parties anticipate that the issues raised by Plaintiff in her Amended Complaint will be resolved by the Court through dispositive motion. The parties have proposed and stipulated to a Case Management Schedule as set forth below.

- b. Pursuant to Fed. R. Civ. P. 26(f), the parties have conferred electronically.
- c. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) email transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.
- d. The parties agree and stipulate to the following case management schedule:

2. AMENDMENT OF PLEADINGS/ADDING PARTIES

- a. Last day to file Motion to Amend Pleadings:

2/3/2021

- b. Last day to file Motion to Add Parties:

2/3/2021

3. DISPOSITIVE MOTIONS

- a. Defendants shall file a Motion to Dismiss by:

2/16/2021

- b. Plaintiff shall file her opposition and any cross dispositive motion by:

3/16/2021

- c. Defendants shall file their combined reply memorandum and memorandum in opposition to any cross motion by:

4/13/2021

- d. Plaintiff shall file a reply memorandum in support of cross motion by:

4/27/2021

4. ADR / SETTLEMENT


- a. The potential for resolution before trial is poor.

5. TRIAL AND PREPARATION FOR TRIAL

The parties anticipate that the issues raised by Plaintiff will be resolved by the Court through a dispositive motion to dismiss and therefore do not anticipate the need for trial. If, after the Court's ruling on the motion to dismiss, there are triable issues of fact, **the parties shall confer and submit an amendment to the Scheduling Order within 14 days after such ruling.**

Dated: January 11, 2021.

BY THE COURT:



Honorable Dustin Pead
Magistrate Judge